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June 3, 2003

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TO Examiner Luu
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FROM: Brent E. Matthias

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CLIENT NO: 29488

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Signature:

Brent E. Matthias
(Brent E. Matthias)

Attorney Docket No.: 29488/36815
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lewis et al.

Application No.: 09/754,762

Group Art Unit: 3652

Filed: January 4, 2001

Examiner: Luu

For: METHOD AND APPARATUS FOR FILLING
STOCK ORDERS

STATEMENT UNDER 37 C.F.R. 1.8(b)(3)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in support of Applicants' Petition for Withdrawal of Holding of Abandonment filed on February 20, 2003, and in response to a telephone conversation with Examiner Luu on June 3, 2003.

I, Brent E. Matthias, Reg. No. 41,974, hereby attest that to the best of my knowledge and belief, the Response to Restriction Requirement was timely submitted to the U.S. Patent and Trademark Office on September 16, 2002, by facsimile transmission to facsimile number (703)308-2571. At the time of signing the certificate of facsimile transmission included on the Response to Restriction Requirement, I had a reasonable basis to expect that the correspondence would be transmitted by facsimile on September 16, 2002, based on my personal knowledge of the customs, practices and reliability of the secretarial staff, docketing, and mail room departments of the firm of Marshall, Gerstein & Borun.

Furthermore, I confirmed my understanding that the Response to Restriction Requirement was, in fact, transmitted via facsimile to facsimile number (703)308-2571 by reviewing the 'Facsimile Communication Result' sheet that was generated the firm's facsimile machine and indicated that all pages of correspondence had been transmitted in "OK" condition. A copy of the 'Facsimile Communication Result' sheet was previously forwarded

Application No.: 09/754,762

Attorney Docket No.: 29488/36815

with Applicants' petition.

I declare that all the foregoing statements are true and accurate to the best of my knowledge and belief, and I am aware that willfully making false statements may subject me to penalties, and may affect the validity of any patent that may issue on the subject application.

Should the Examiner wish to further discuss this matter, she is invited to call the undersigned.

Dated: June 3, 2003

Respectfully submitted,

By Brent E. Matthias
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